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MAY 23 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

BRANSTROM et al.

Appl. No. 08/711,961

Filed: September 6, 1996

For: BACTERIAL DELIVERY SYSTEM

Appeal No. 2001-1881

Art Unit: 1636

Examiner: I. Yucel

Atty. Docket No. 38644-175286

Customer No.

26694

PATENT TRADEMARK OFFICE

PETITION TO WITHDRAW ERRONEOUS NOTICE OF ABANDONMENT

U.S. Patent and Trademark Office
Mail Stop: Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We received a Notice of Abandonment dated April 2, 2004 in the above-referenced application. The Notice indicated that the application was abandoned because a decision by the Board of Patent Appeals and Interferences was rendered on December 22, 2003 and the period for seeking court review of the decision had expired and there are no allowed claims. It is respectfully noted that a request for rehearing was timely filed on January 22, 2004, and a Denial of the Request was issued on March 1, 2004. Accordingly, pursuant to 37 CFR 1.304, the time for further Appeal expires May 1, 2004.

Serial No. 08/711,961


A copy of the Request for Rehearing, along with the date stamped receipt therefore, and a copy of the Denial, are filed herewith in support of the above.

Withdrawal of the Notice of Abandonment and consideration of the Request for Continued Examination filed herewith are respectfully requested.

It is believed that no extension of time or fee is required in connection with this petition. However, if any fees are due, please charge Deposit Account No. 21-0380 and advise accordingly.

Respectfully submitted,

Dated: April 27, 2004


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ASH/cc

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Venable Filing Number

Attorney: Ann S. Hobbs, Ph.D.PTO Due Date: January 22, 2004Date Filed: January 22, 2004

TM Official Gazette Date: _____

Atty. Docket No: 38644-175286Re: Branstrom et al.Application No: 08/711,961

Patent No.: _____

Trademark: _____

Opposition/Cancellation No: _____

Filing Date: September 6, 1996

Issue Date: _____

Trademark Reg. No: _____

The following items were received from Venable, Washington, D.C., by the U.S. Patent & Trademark Office:

U.S. PTO FEES ENCLOSED

☐ Transmittal Letter
☐ Fee Transmittal Letter
☐ New U.S. Utility Application (_____ pages of specification/claims)
☐ Formal Drawings (10 sheets, _____ Figs.)
☐ Invention Declaration
☐ U.S. National Stage Application of PCT Application
☐ Translation of International Application
☐ New U.S. TM Application (_____ specimens)
☐ Rule 53(d) Continued Prosecution Application
☐ Substitute Specification
☐ Rule 53(b) Continuation or Divisional Application (*attach copy of specification, claims, drawings & declaration*)
☐ Priority Document-Cert. Copy of Appl. #: _____ ; Country _____
☐ Date Filed: _____
☐ Request for Continued Examination (RCE) under 37 CFR 1.114
☒ Request for Reconsideration
☐ Application Data Sheet
☐ Assignment w/Cover Sheet
☐ IDS w/ PTO SB/08 a/k/a PTO Form-1449 (_____ references)
☐ Response
☐ Amendment/ ☐ Preliminary Amendment
☐ Petition/Request for Extension of Time (one mo. ext.)
☐ Notice of Appeal
☐ Appeal Brief (*In triplicate*)
☐ Reply Brief (*In triplicate*) / ☐ Request for Oral Hearing
☐ Confirmation of Hearing Petition
☐ Issue Fee Transmittal
☐ Certificate of Correction
☐ Maintenance Fee Transmittal
☐ Power of Attorney
☐ Response to Notice to File Missing Parts
☐ Response to Notice to File Missing Requirements
☐ Response to Restriction Requirement
☐ Petition to Revive
☐ Sequence Listing -- CDR Enclosed? ☐ Yes ☐ No
☐ Status Inquiry
☐ Request for Non-Publication
☐ Request to Reconsider Non-Publication Request
☒ Terminal Disclaimer
☐ TM Statement of Use
☐ Extension of Time (_____ mo. ext.)
☐ Declaration Under 8
☐ Declaration Under 8 and 15
☐ TM Renewal Application
☐ Notice of Opposition (*Please list all documents in Other section*)
☐ Amendment to Alleged Use
☐ Other: (*Please describe below*)

Filing Fee

Surcharge Fee

Additional Claim Fee

Recordation/Indexing Fee

IDS Fee

Extension Fee

Notice of Appeal Fee

Brief on Appeal Fee

Oral Hearing Request Fee

Petition Fee

Issue Fee

Publication Fee

Maintenance Fee

TM Statement of Use

8 Affidavit Fee

8 and 15 Affidavit

TM Renewal Application Fee

Notice of Opposition Fee

TM Extension of Time Fee

Total Fees Paid

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